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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,842	08/31/2001	Masataka Aoki	381NP/50366	8533

7590 03/13/2002

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER

PALABRICA, RICARDO J

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 03/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/942,842

Applicant(s)

AOKI

Examiner

Rick Palabrica

Art Unit

3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

1. Applicant's election without traverse of Species A and claims 1-3 in Paper No. 8 is acknowledged.

Specification

2. The disclosure is objected to because of the following informalities:
 - On page 2, line 20, the word "upto" should be changed to " up to."
 - On page 3, line 4, the word "use" should be changed to "used."
 - On page 9, line 22, the word "To" should be deleted.
 - On page 9, line 26, "earthquake" is spelled as a single word and not as two separate words.
 - On page 11, the use of the plural form of the word "fuel" is improper in the context of the document because of its use as a collective noun.Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-3 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. The claims, as written, do not set forth any steps involved in the method and it is unclear what the method is intending to encompass this use is actually practiced. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and contain idiomatic errors. For example, it is unclear what is meant by "method of **treating** a large scale structural body" in claim 1 and by "**relaxing** an impact of the large scale structural body" in claim 3?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,198,787 B1 to Hasegawa et al. (see Figs. 9 and corresponding parts of the specification, as well as the claims). Hasegawa discloses a method of handling an internal structure of a nuclear reactor utilizing a receptacle, such as a container or a cask. Said container is lifted outside of the nuclear reactor building through an opening in said building (see Abstract). Hasegawa discloses the details of his method in his claims. Specifically, he discloses his method of handling an internal structure of a

nuclear reactor comprising: 1) lifting and inserting a receptacle into a nuclear reactor building through an opening at the upper portion of the nuclear reactor building; 2) inserting said internal structure in said receptacle so that said receptacle surrounds said internal structure; and 3) lifting said internal structure out of said nuclear reactor building through said opening. The said receptacle inherently provides the protection for the spent fuel pool because it surrounds the internal structure and moves with the said structure during handling. Said receptacle also inherently provides cushioning of impact of the contained internal structure. The specific limitation in claim 2 regarding a "guide provided to the protective measure for carrying out/in the large scale structural body" reads on Fig. 9(a). Said figure shows the means for guiding the loaded receptacle during its travel out of or into the reactor comprising a lifting machine (numeral 91), a lifting rope (numeral 92), a hook bloc (numeral 93), a hoisting device (numeral 52) and a lifting balance (numeral 51). The loaded receptacle is lifted by the hoisting device from the reactor building through an opening provided by a lifting rope rolling system shutter (numeral 62).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References B, C and N pertain to lifting of reactor equipment and are relevant to the claimed invention.

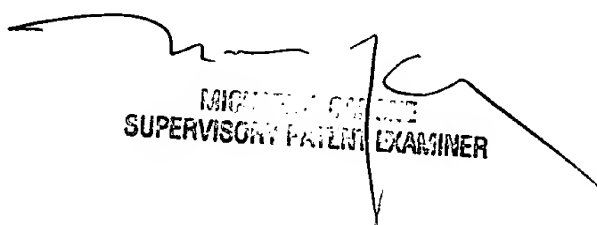
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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rick Palabrica whose telephone number is 703-306-5756. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 703-306-4198. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0285 for regular communications and 703-305-0285 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

RJP
March 6, 2002


MICHAEL CARONE
SUPERVISORY PATENT EXAMINER